

## **RULE 83.1**

### **ATTORNEYS: ADMISSION TO THE BAR**

#### **(a) Eligibility for Admission**

Any attorney who is of good personal and professional character, **and** who is an active member in good standing of and eligible to practice before the bar of the highest court of a state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, **and** who is not then disbarred from or under a period of suspension in any court of record in the United States, is eligible for admission to the bar of this Court provided the attorney **also** complies with one of the following provisions:

- (1) has received a satisfactory score on the bar examination as determined by the District Bar Examination Committee; **or**,
- (2) has served, for a period of one year, as a Judge, Magistrate Judge, Clerk of Court, Chief Deputy Clerk, Law Clerk, United States Attorney, or Assistant United States Attorney, Federal Public Defender or Assistant Federal Public Defender, in this District Court; **or**,
- (3) has served, for a period of five (5) years, as a Supreme Court Justice, Superior or District Judge in the General Court of Justice of the Commonwealth of Puerto Rico; **or**,
- (4) has served on a continuous basis for at least ten (10) years as a full-time tenured law professor at a law school duly accredited by the American Bar Association and any other pertinent authorities, provided that **both** at the time of his or her graduation from law school and the start of his or her tenure no District Examination was administered in this District.

#### **(b) Committee on Admissions**

A Committee on Admissions composed of three (3) members in good standing of the bar of this Court shall be named by the judges to aid in the screening and evaluation of the applications for admission to the bar of this Court. The members shall be appointed for terms of three (3) years, except that initial appointments shall be for one, two or three years, so that the term of three members shall expire each year and membership shall rotate with continuity. Upon expiration of an appointment, same may be renewed or filled by the Court, as appropriate, provided that the same member does not serve continuously for more than two (2) regular terms. The Court shall designate one member to chair the Committee.

**(c) Procedure for Admission**

- (1) Petition. Each applicant for admission to the bar of this Court shall file a sworn written petition setting forth: residential, office, and electronic addresses; residential, telephone and facsimile numbers; courts to which admitted to practice; legal training and experience; proficiency in written and oral English; availability to work pro bono.

The Petition shall be filed with the Clerk accompanied by the following documents: certificate of admission and good standing from the clerk of any and all courts to which applicant is admitted to practice; certificate of good conduct issued by the police department where applicant resides; as to any criminal prosecution or conviction, an itemized written statement detailing the nature, status, and disposition of the proceeding; evidence of satisfaction of eligibility criteria under subsection (a) above, including evidence of receipt of a satisfactory score in the District Bar Examination, if applicable; three (3) personal references, of which two (2) must be from members in good standing of the bar of this Court. The date of issuance of the documents must not exceed three (3) months from the date of the Petition.

- (2) Referral for Report. Upon filing of the Petition and accompanying documents, the Clerk of the Court shall refer the matter to the Committee on Admissions. The Committee shall consider the Petition and render a report to the Court within thirty (30) days of its receipt, or such additional period of time as the Court may determine upon request by the Committee.

If the Committee on Admissions finds that it has grounds to render an unfavorable report, it shall notify the applicant in writing of the nature of the evidence. The applicant may rebut this evidence within such reasonable time as established by the Committee. The Committee shall, thereafter, upon reviewing all the evidence, render its report to the Court. If the report is unfavorable, the Committee shall state the basis for its findings.

- (3) Determinations on Admissions. Upon receipt of the report from the Committee on Admissions, the Court shall convene to consider and pass upon the application. Determinations on petitions for admission will be made by a majority vote of the active judges of this Court. Whenever a majority of the judges cannot agree as to the admission of an applicant, the decision shall be made by the Chief Judge of the District. The Clerk shall notify each applicant in writing of the Court's decision.

- (4) Hearing. The Court may deny any petition for admission, regardless of the nature of the report, provided that the applicant is served with notice of the grounds for said denial and afforded an opportunity to be heard.

- (5) Certificate of Admission. Upon admission to the bar of this Court and payment of the applicable admissions fee, the Clerk shall issue a Certificate of Admission after the applicant has taken and subscribed the following oath or affirmation before this Court:

I do solemnly swear (affirm) that I will demean myself as an attorney and counselor of this Court, uprightly and according to law; and that I will support the Constitution of the United States. So help me God.

The applicant shall sign the roll of attorneys of this Court, shall be assigned a bar member number by the Clerk, and shall thenceforth be a member of the bar of this Court.

**(d) Practice Before this Court; Continuing Membership; Practice Prohibited While on Inactive Status**

Except as otherwise provided herein, only members of the bar of this Court shall practice in this Court. Admission to and continuing membership in the bar of this Court is limited to attorneys who are of good moral character and are active members in good standing of the bar of the highest court of any state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States. Any attorney previously admitted to the bar of this Court who no longer is in good standing of the bar of the highest court of any state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, shall not practice before this Court.

**(e) Attorneys for the United States**

- (1) Eligibility to Practice. An attorney who is not eligible for admission under subsection (a) of this rule, but who is a member in good standing of, and eligible to practice before, the bar of any United States court or of the highest court of any state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, and who is of good moral character and is not subject to pending disciplinary proceedings as a member of the bar in any jurisdiction, may appear and practice in this Court in any matter in which the attorney is employed or retained by the United States or its agencies, and is representing the United States or any of its officers or agencies in an official capacity.
- (2) Permission Temporary. Attorneys so permitted to practice in this Court are subject to the jurisdiction of the Court with respect to their conduct to the same extent as members of the bar of this Court, and the Court may at any time revoke such permission for good cause without a hearing. Once the attorney ceases to be employed or retained by the United States or any of its agencies, he shall cease to practice in this Court in such official capacity. The attorney shall then be required to apply for admission to the bar of this Court in order to otherwise appear and practice in this Court pursuant to subsection (a), above.

- (3) Application. Attorneys for the United States requesting permission to appear and practice before this Court pursuant to this rule, shall file a motion to appear and practice with the Clerk addressing the required eligibility standards. Said motion shall be signed by the attorney applicant **and** the authorized representative of the employing or retaining instrumentality or agency of the United States. The Clerk shall, within ten (10) days from the filing of the motion, enter an Order denying or granting permission to appear and practice, or requesting additional information, as appropriate.
- (4) Special Roll of Attorneys. Upon authorization by the Clerk, the attorney shall sign the specially designated roll of attorneys of this Court, whereupon he or she shall be assigned an appearance number.
- (5) Admission Fee not Applicable. Although permission to appear and practice before this Court pursuant to this rule subjects attorneys to the jurisdiction of the Court with respect to their conduct to the same extent as members of the bar of this Court, such permission is not considered an admission to the bar of this Court. Therefore, no admission fee shall be taxed.

**(f) *Pro Hac Vice***

An attorney who does not reside in the Commonwealth of Puerto Rico and who is authorized to practice law before the bar of any United States court or of the highest court of any state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, may apply for permission to appear as attorney of record in a particular case or proceeding. The movant shall:

- (1) designate a member of the bar of this Court as local counsel;
- (2) state the court(s) in which the movant is admitted to practice law;
- (3) attest that the movant is not currently suspended from practicing law before any court or jurisdiction;
- (4) state if any complaint for unethical misconduct, disciplinary proceeding, or criminal charges involving the movant are currently pending before any court or jurisdiction; and,
- (5) pay the appropriate fee.

The *pro hac vice* application shall be presented to the Court in the form available at the Clerk's Office or at the court's web site ([www.prd.uscourts.gov](http://www.prd.uscourts.gov)), together with the prescribed admission fee. The Court will not refund the fee if the motion is denied.

The Court may at any time revoke *pro hac vice* admission for good cause without a hearing. An attorney so permitted to practice before this Court in a particular action shall at all times remain associated in the action with a member of the bar of this Court upon whom all process, notices, and other papers shall be served, who shall sign all filings submitted to the Court and whose attendance is required at all proceedings, unless excused by the Court.

**(g) Disciplinary Jurisdiction**

Whenever an attorney applies to be admitted or is admitted as a member of the bar of this Court or for purposes of a particular proceeding (*pro hac vice*), the attorney shall be deemed thereby to have conferred disciplinary jurisdiction upon this Court for any alleged misconduct of that attorney arising in the course of or in the preparation for such proceeding.

**(h) Other Persons**

A person who is not a member of the bar of this Court, and who is not otherwise eligible for admission pursuant to these rules, will only be allowed to appear and practice before the Court *pro se*, that is, on his or her own behalf. That representation may not be delegated to any other person, including a spouse, parent or other relative, nor to any other party on the same side who is not represented by an attorney. A non-attorney guardian for a minor or an incompetent person must be represented by counsel.

Any person appearing *pro se* will be required to comply with these local rules and with the federal rules of evidence and procedure. *Pro Se* litigants are expected to substantially compose their pleadings to the standards set forth in the Federal Rules of Procedure and these rules, and to allege sufficient facts to support a cognizable legal claim. Although the Court may be more lenient with *pro se* litigants, unrepresented parties are not immune from sanctions.